IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN M. MAZZANTI,

Plaintiff,

v. : CIVIL ACTION NO. 3:06-CV-2205

(JUDGE KOSIK)

MICHAEL J. ASTRUE,

Commissioner of Social Security, :

:

Defendant.

MEMORANDUM AND ORDER

AND NOW, THIS 16th DAY OF MAY, 2007, IT APPEARING TO THE COURT THAT:

- [1] On November 10, 2006, the plaintiff filed the above-captioned action pursuant to 42 U.S.C. §§ 405(g), seeking review of defendant's decision to deny plaintiff's claim for Social Security Disability Insurance Benefits;
 - [2] the case was assigned to Magistrate Judge J. Andrew Smyser;
- [3] appropriate briefs were filed by the parties and the Magistrate Judge issued a Report and Recommendation on April 20, 2007;
- [4] in his Report and Recommendation, the Magistrate Judge concluded that the decision of the Commissioner was supported by substantial evidence and he recommended that the plaintiff's appeal be denied;
- [5] neither plaintiff nor defendant filed objections to the Report and Recommendation.

IT FURTHER APPEARING THAT:

[6] If no objections are filed to a Magistrate Judge's Report and

Recommendation, the Court need not conduct a *de novo* review of plaintiff's claims. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53, 106 S.Ct. 466 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987);

[7] having examined the Magistrate Judge's Report and Recommendation, we agree with his recommendation to deny plaintiff's appeal. We concur with the Magistrate Judge's analysis of the issues raised in plaintiff's appeal and find the Magistrate Judge's review of the record to be comprehensive;

[8] because we find that the Magistrate Judge adequately addressed the issues raised by plaintiff, we will adopt the Magistrate Judge's recommendation to deny the plaintiff's appeal.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate J. Andrew Smyser dated April 20, 2007 (Doc. 10) is **adopted**;

[2] the plaintiff's appeal is denied; and,

[3] the Clerk of Court is directed to close this case, and forward a copy of this Memorandum and Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge